

1 **BOARD OF SELECTMEN MINUTES**
2 **JANUARY 17, 2011**
3
4

5 Chairman George Infanti called the meeting to order at 6:05 p.m. Selectmen present: Dwight Brew,
6 James O'Mara, Thomas Grella and Bruce Bowler. Also present: Town Administrator Gary MacGuire
7 and Executive Assistant Sharon Frydlo.
8

9 **250th Anniversary Celebration Closing Program**
10

11 Chairman Carolyn Quinn thanked the Board and indicated they had a great year. She advised that the
12 photographs that were scrolling across the screen were taken by Marti Warren and Bill Overholt and that
13 all of the events held were successful. She introduced Max Karpawich, a 4th Grade student at Wilkins
14 School who had been with them a year ago during the art contest. Max gave a presentation on the Hotel
15 that had been located in the Village and burned in 1876, leaving the Carriage House remaining. He listed
16 the many businesses that had been in the Carriage House over the years. Alec Buchanan and Carolyn
17 gave the Town a framed collage of the program and signatures commencing the 250th Anniversary.
18

19 Mrs. Quinn noted they began thinking of this anniversary five years earlier and indicated that some of the
20 Committee members were present and she introduced them. She also mentioned that they would be
21 putting together a booklet as a permanent record. Mr. Infanti, speaking for the Board, didn't know how
22 he could begin to thank everyone for the incredible year. He mentioned that it had been an honor, as
23 Chairman, to partake in as many events as he had. He thanked them again for the Town of Amherst. At
24 6:16 p.m. the Selectmen recessed their meeting to the Town Common to extinguish the lights on the 250th
25 commemorative tree that had been lit the entire year.
26

27 Chairman Infanti called the meeting back to order at 6:25 p.m. As the public hearing was scheduled for
28 6:30 p.m. the Board conducted other business.
29

30 **Minutes**
31

32 *Mr. Brew moved to approve the minutes of January 10, 2011, second by Mr. Bowler. Vote:*
33 *Unanimous.*
34

35 **Citizens' Forum**
36

37 There were no comments, questions or concerns from the audience.
38

39 **Other Business**
40

41 Mr. O'Mara reported there would be a Recreation Commission meeting on the 18th. Mr. Bowler
42 mentioned that a week or so ago, Jim was to attend the Community Recoveru Meeting. Mr. O'Mara
43 reported that at their next meeting they would talk about setting goals and discuss funding. Mr. Grella
44 reported that the Heritage Commission talked about future projects they will be involved in and also
45 talked about a possible demolition policy.
46

47 **Budget & Bond Public Hearings**
48

49 After Mr. Infanti read the notice, *Mr. Bowler moved to open the bond hearing at 6:30 p.m., second by*
50 *Mr. Grella. Vote: Unanimous.*
51

Article 22: Bridge Replacement Bond – Mr. Grella read the article requesting \$2,100,260 for the reconstruction of three bridges: New Boston Road Bridge over Beaver Brook, Manchester Road Bridge over Beaver Brook and Horace Greeley Road Bridge over Pulpit Brook. He noted that the State will reimburse the Town 80% of the cost in approximately 10 years. Slides depicted pictures of two of the three bridges, a brief explanation of the needed repairs, as well as the estimated overall costs in 2010 and the Town's share of 20% and the State's share. *Mr. Bowler moved to close the bond hearing at 6:35 p.m., second by Mr. Grella. Vote: Unanimous.*

Mr. Bowler moved to place Article 22 on the warrant, second by Mr. Grella. Vote: Unanimous.

* * * * *

Mr. Bowler moved to open the budget hearing for FY12 at 6:35 p.m., second by Mr. Grella. Vote: Unanimous.

Article 21: To choose all necessary Town Officers – Mr. Infanti read the list of positions and terms open for election. *Mr. Bowler moved to place Article 21 on the warrant, second by Mr. Grella. Vote: Unanimous.*

Article 23: Operating Budget – Mr. Infanti read the article requesting \$10,299,569 with significant increases in Principal & Interest of \$262,227, Preventative Road Maintenance of \$178,972, Health Insurance \$110,188, Fire Department Safety Gear \$58,802 and Assessing \$45,963 for a total increase of \$508,925. The default budget would be \$10,136,943 or \$162,626 less than the proposed operating budget and a \$34.96 tax impact difference on a \$400,000 home. W&M Chairman Jack Kunkel remarked that the Committee was 7-0 in favor. They feel the Town has been under-funded and will affect them going forward. They were strongly in favor of this budget, if not more.

Marilyn Peterman, 130 Amherst Street, asked what the increase in health insurance was. Mr. Infanti advised 15%. She asked if they looked at any other health insurance and didn't know if they had a contract or not. Mr. O'Mara noted they were with Primex and in the second year of a two-year contract. Next year they will go out for competitive bidding and do some comparisons. Mrs. Peterman mentioned that they have a proposed article for the social service agencies. She said in the past she felt it should be in the budget, but this has fallen on deaf ears. She read a prepared statement regarding these agencies and her feelings. Mr. Infanti thanked her and noted this will be mentioned when they discuss Article 34.

Mr. Bowler moved to put Article 23 on the warrant, second by Mr. Grella. Discussion: W&M's member David Chen asked if the Town ends up with a default budget, did they know where they will get \$162,000 and what things would be cut. Mr. Infanti's opinion was, with this amount of money, it would be employees, but he couldn't tell him for sure. Mr. Brew indicated that if they had a default budget they would be left with a bottom line number and what the Board would do is to sit down and build a budget using this number. Mr. O'Mara believed there would be consequences and there would be one or more Departments that will reduce services that they provide. Mr. Chen thought the voters would need to know what those services would be. *Vote: Unanimous.*

Article 24: Police Union Contract – Mr. O'Mara read the article and indicated that the second slide was a reiteration of what will appear in the warrant as follows: FY2012 Wages \$63,390, Benefits \$18,598 for a total of \$81,989; for FY2013 Wages \$28,522, \$0.00 for Benefits for a total of \$28,522. The contract will be effective July 1, 2011 and expire June 30, 2013. He noted that last year the Selectmen felt that the Fact Finder's Report was one-sided and the voters agreed. Effective July 1, 2011 there will be a 1% Cost of Living increase; the pay system was restored and employees placed within it; there will be a new step added for employees at the top; the contract calls for a one time bonus of \$1,000 for each employee; the

cost sharing for Health Insurance will increase; the college degree incentive has increased; Anti-Spiking provision was added and vacation buyout language was added to avoid spiking. Effective July 1, 2012, the contract calls for a 2% Cost of Living increase; steps for eligible employees with no other changes or additions. In summary, over the four years the average wage increase is 6.43% or 1.6% per year; there will be no retroactive pay and the parameters of the contract were consistent with wages provided to non-union Town employees on July 1, 2009. **Mr. Bowler moved to place Article 24 on the warrant, second by Mr. O'Mara. Vote: Unanimous.** W&M: 7-0 in favor of the Police Contract.

Article 25: Public Health Mosquito Surveillance and Control Program – Mr. Infanti read the article requesting \$40,000 and noted that the second slide was a map of New Hampshire showing the problem areas. He mentioned that they had done this one year and it was a good one and if it continues, they may not have to do it year after year. Various slides included Dragon Mosquito Control, Inc. Year End Report 2010 for the Town of Amherst, citing no EEE or WNV was found in the Town and the financial implications of why a warrant vs. budgeted item. **Mr. Bowler moved to place Article 25 on the warrant, second by Mr. Grella. Vote: Unanimous.** W&M: 5-2 in favor.

Article 26: Lease Purchase of Fire Truck – Mr. Bowler read the article requesting \$154,223 for the first year's payment for a lease/purchase of a Fire Truck that would be replacing a 1987 Pierce Pumper that would be 25 years old by the time they get the new truck. A slide showed the corrosive areas on the Pumper. **Mr. Bowler moved to place Article 26 on the warrant, second by Mr. Grella. Vote: Unanimous.** W&M: 7-0 in favor.

Article 27: Funding for Recreation Land Purchase – Transfer from LUCT Fund to Recreation Fields Acquisition and Construction Capital Reserve Fund – Mr. O'Mara read the article requesting \$250,000. They all knew a long time ago that in 2014 this property would revert back to a cemetery. In hindsight, the Recreation Commission should have been putting aside \$225,000 a year to replace Cemetery Fields and the Sarah Jean Roy memorial playground.

Wendy Rannenberg explained that the Land Replacement Committee was still actively looking for property in Town and this warrant article was important to their success. She spoke of OSAC and what had happened to them. She noted that Recreation had been a part of this for many years. They will have to do additional fundraising to help offset the cost of the land, as \$250,000 was not enough to purchase a piece of property. Mr. Kunkel advised W&M would support it, but need clarification. **Mr. O'Mara moved to put Article 27 on the warrant, second by Mr. Brew. Vote: Unanimous.**

Article 28: Discontinue Cemetery Capital Reserve Fund – Mr. Infanti read the article requesting \$14,230. He advised that there was money in a fund and they would like to put it into a different fund so that they can begin planning the new cemetery on Cemetery Fields. **Mr. Bowler moved to put Article 28 on the warrant, second by Mr. Grella.** Discussion: M. Infanti told Charlene Carper that their hands were tied to State regulations and the article has to be written this way. **Vote: Unanimous.** W&M did not vote on this article because it had no tax impact.

Article 29: Establish Forestview Cemetery Expendable Trust – Mr. Infanti read the article requesting \$14,230. He noted this was "in and out" funding. It was closing an old fund and opening a new one for planning of the new cemetery. He felt it was much more complicated than it need be. **Mr. Bowler moved to place Article 29 on the warrant, second by Mr. Grella. Vote: Unanimous.**

Article 30: Ambulance Capital Reserve – Mr. Bowler read the article requesting \$22,000. The second slide indicated that following the purchase of one replacement ambulance in 2011, this fund would have a balance of \$101,323 towards the 2014 purchase of a second replacement ambulance estimated at

\$165,000. **Mr. Bowler moved to place Article 30 on the warrant, second by Mr. Grella. Vote: Unanimous.** W&M 7-0 in favor.

Article 31: Communications Center Capital Reserve – Mr. Bowler read the article requesting \$5,000 to purchase consoles or anything needed that wasn't in the budget. **Mr. Bowler moved to place Article 31 on the warrant, second by Mr. Grella. Vote: Unanimous.** W&M 7-0 in favor.

Article 32: Town Computer Capital Reserve – Mr. Bowler read the article requesting \$5,000. He noted that the account currently has a balance of \$17,981 and very similar to the Communications Center Capital Reserve. **Mr. Bowler moved to place Article 32 on the warrant, second by Mr. Grella. Vote: Unanimous.** W&M 7-0 in favor.

Article 33: Souhegan Valley Transportation Collaborative Subsidy – Mr. Infanti read a statement citing the history of the SVTC, the towns served, the cost per rider, and statistical information. **Mr. Bowler moved to place Article 33 on the warrant, second by Mr. Grella. Vote: Unanimous.** W&M 7-0 in favor.

Article 34: Health and Human Service Agencies – Mr. O'Mara read the article requesting \$46,996. He read a prepared document containing the name of each agency, the number of Amherst residents served, and a brief description of what the agency does for the citizens of the Town.

Mrs. Peterman appreciated the Board's recommendation of a yes vote. She asked what the bottom line of the operating budget would be if this request was added into it. Mr. Bowler commented that it would be approximately 6% total. She spoke again about putting it into the budget and her feeling that as a warrant article it wouldn't pass. **Mr. O'Mara moved to place Article 34 on the warrant, second by Mr. Bowler. Vote: Unanimous.** W&M 5-2 in favor.

Article 35: Authorize the Amherst Conservation Commission to expend funds to qualified organizations – Mr. Brew advised that this article and Article 36 were being proposed by the Conservation Commission. He read the article that had no funding request associated with it and he briefly spoke of the reasoning behind it. He told Mrs. Peterman that a "qualified organization" that might hold an easement might be the Amherst Land Trust and he was unsure why some people were reluctant for the Town to hold one. **Mr. Brew moved to place Article 35 on the warrant, second by Mr. O'Mara. Vote: Unanimous.**

Article 36: Authorize the Amherst Conservation Commission to expend funds for land purchases outside Amherst – Mr. Brew read the article, again without any funding request. There were parcels of land that extend into adjoining communities and the seller wants to sell the entire parcel and not split it up. This was the legal wording they have to go with. It was not the intent of granting this, to allow the Commission to purchase parcels in other parts of the country, but those adjacent to Amherst.

Mrs. Peterman understood what they were trying to do and the Town has purchased land before that was not in their jurisdiction, such as Bragdon Farm. The way it was written there was nothing saying the land could be in Hollis or a town not contiguous to Amherst. Mr. Brew advised this was their concern and why they wanted to nail it down, but were told they could not do it. Mr. MacGuire explained that both articles had enabling wording and Town Counsel indicated this was the way it should be written. Mr. Infanti added that it also had to be approved by the Selectmen. **Mr. Brew moved to place Article 36 on the warrant, second by Mr. O'Mara. Vote: Unanimous.**

Article 37: Library Operating Budget (By Petition) – Mr. Infanti read the petition warrant article requesting \$816,434 to defray the costs of the operation of the Library. He asked if the petitioners were

prepared to speak to the matter. David Chen spoke of why he, as one of the petitioners, chose to bring forward the two petition warrant articles. The Library was a separate body from town government and was passed through the Town budget, as it has over many years. While they hold the Selectmen accountable for everything, they are not accountable for the Library or Cemetery budgets. W&M thought the Library budget should be brought forward and make it explicit to the voters. The Library budget is provided by the Trustees and reviewed by them. The Selectmen have little choice but to accept this budget. The only way the Town can change this is by a warrant article. He believed the Trustees did an excellent job on the budget. Mr. Chen passed out two handouts. The first showed a comparison over 17 years of the Town and Library budgets. The Town's growth over this period was 142% and the Library's was 215%. The person who put this together, he said, indicated that the Library's debt service was pulled out in 2002. The second handout was a comparison of six towns including Amherst, 2009 population, the Library budget, cost per capita and the percent of other towns. Mr. Chen advised that another individual put together these additional numbers for the Committee. The only other town higher than Amherst (at \$69.33) was Hanover at approximately \$89.00 per capita. The Selectmen have said they can't touch this budget and the Selectmen have said let the voters decide. He spoke about governance and transparency which he clarified. He reiterated that the issue was they can't hold the Selectmen accountable for the budget, if they only manage 92% of it. They don't control the Library budget nor do they control the spending.

Mr. Chen spoke about the second petition - Warrant Article 38: Library Operating Budget as a Separate Warrant Article. The first petition article was to ask the Town to approve the budget explicitly and the second was a codification for future years and to be on the ballot by itself.

Library Trustee Chairman Don Holden remarked that this issue came up briefly at the Selectmen's meeting last week and he had an informal meeting with W&M and the Trustees in order to understand both sides. They met with Jack Kunkel and David Chen and he had a better understanding of the concerns and issues that David was raising about transparency. He was putting together a meeting with the Chairman of the Board of Selectmen, Town Moderator and others. He assured them they were not trying to sneak the Library budget under the radar. A point he would like to make is "yes", the Library Trustees were a separate body, like the School Boards and Cemetery Trustees. The guidance for all Departments was to reduce the budget by 2% because of the increase in health insurance. Their budget will be less than last year and the Library default budget was higher. They have a Selectman attending most of the Trustees' meetings and a Director attending all staff meetings. The Library was not insensitive to the Selectmen and want to be included in the Town budget even though they don't have to do this. They were also under the scrutiny of W&M and this was something they should have been doing several months ago. He spoke about the second handout information and urged them to make sure it was an "apples to apples" comparison. He believed the process with the Town works well. They have a relationship where they both try hard to work on the bottom line of the budget. Mr. Infanti thanked Don for his comments.

Ms. Rannenbergh remarked that if the Town budget had increased as much as the Library had over the years, the Town may not be in the same condition they were now in.

Mark Vincent, 2 Nathaniel Drive, questioned Articles 37 and 38. Mr. Chen indicated that they would propose to reduce the Town budget by \$816,434 when it came up. If it failed, they would reduce it to \$1.00 and discussed this further.

Ms. Peterman remarked they were creating another SB2 with the Library and a separate governing body to put their budget on the ballot, as opposed to working with the Selectmen and W&M to decide what the budget should be. She wanted each of the Selectmen, as they usually don't speak to petition articles at this time, to know their thoughts. She commented that they could also put the Souhegan Regional

Landfill separately on the warrant too and if it failed “so be it”. They could do the same with the Cemetery Trustees’ budget and why not put each individual Department on the ballot that was what used to be done at Town Meetings. Someone had said to her that the Library was a non-essential service, but does the Fire Department and Police respond to 5,000 calls a year, but the Library responds to many more people on a yearly and daily basis. It was an essential service, it was part of the budget, always has been part of it and it will cause more dissention in the Town. Mr. O’Mara responded “with all due respect, I do not comment on petition warrant articles as a Selectman, as a citizen I will be speaking on the floor”.

Mrs. Carper remarked that at the Deliberative Session, normally someone gets up and asks to reduce the bottom line of the budget by so many dollars. If this passes, was that amount split equally between all Departments including the Library. Mr. Infanti replied “no”. Mr. Bowler added “unless the request was specifically made.” Liz Overholt, Horace Greeley Road, indicated she signed the petition and wanted to clarify something David may have said. One thing Bill Drescher made very clear, was that the Selectmen need to accept the budget that the Library Trustees brings to them, but they can request changes. All these years of Deliberative Sessions, someone could say they want the Library budget to be reduced by \$100,000 and it could happen.

Robin Julian, Library Trustee for 13 years, commented that one thing Don does well was speak eloquently. She indicated that for her 13 years, the Trustees always worked well with the Selectmen. When attending Trustees’ meetings around the State, they hear horrible stories about the association between Selectmen and Library Trustees. They work collegially and collaboratively together and she would hate to see the Library budget separated out.

Mr. Chen indicated that the Library has a great relationship with the Selectmen and W&M didn’t know if this would be sustained year after year and spoke of the reason why there was a second petition warrant article. To the credit of both parties, this has never been done before and maybe it was because they just understood this several weeks ago. After further discussion and debate, Mr. Infanti remarked that over his number of years the Library Trustees have been supportive. There had not always been the same benefits and payscale that they offered their employees and it was decided to offer their employees the same as the Town. During the last 2-3 years, the Selectmen had asked the Library to cut the budget and they had always done this and he had excellent experience with them. As a former Selectman in Milford and in looking at the numbers presented by W&M, he felt Amherst had a “good thing” and if someone didn’t like their budget, they could make a motion at the Deliberative Session to cut it. His thought – “if it isn’t broke, don’t fix it”.

Mr. Bowler agreed with George 100%. The Library Trustees worked with them in the past and certainly they would be working with them in the future. He understood what David was saying and he had no problem in continuing the way they have been doing. Mr. Grella concern was forecasting the future, if someone wanted to put the Library budget at zero, what would happened to the Library then and urged folks to be cautious of this. The Board, W&M and the public debated this scenario with Mr. Chen indicating their intent was to follow what they thought Town Counsel said and after review, he thought it was fine.

Mr. Bowler moved to close the public hearing at 8:23 p.m., seconded by Mr. Grella. Vote: Unanimous.

Mr. Infanti announced that the Deliberative Session would be on Wednesday February 9, 2011 at 7:00 p.m. at the Souhegan High School.

306 **Non-Public Session**

307
308 *Mr. O'Mara moved to go into non-public session under RSA 91-A:3 II (e) at 8:23 p.m., second by Mr.*
309 *Bowler. Roll call vote: Mr. O'Mara – yes, Mr. Brew – yes; Mr. Infanti – yes; Mr. Grella – yes; Mr.*
310 *Bowler – yes.*

311
312 While in non-public session the Board considered a recommended settlement for a BTLA case and
313 provided guidance to the Assessor on resolving.

314
315 *A motion was made to re-enter public session at 8:35 p.m. by Mr. Bowler, second by Mr. Grella. . Roll*
316 *call vote: Mr. O'Mara – yes, Mr. Brew – yes; Mr. Infanti – yes; Mr. Grella – yes; Mr. Bowler – yes.*

317
318 *Mr. Brew made a motion to adjourn the meeting at 8:36 p.m., second by Mr. O'Mara. Vote:*
319 *Unanimous.*

320
321 Respectfully submitted,

322
323
324 Sharon L. Frydlo
325 Executive Assistant